

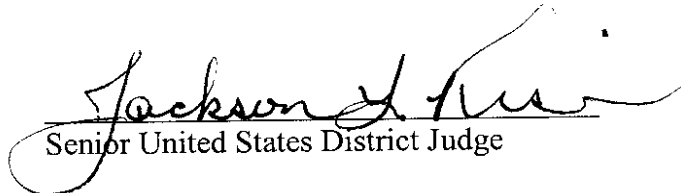
JOHN F. CORCORAN, CLERK
BY: *H McDonald*
DEPUTY CLERK

By: Hon. Jackson L. Kiser
Senior United States District Judge

within which to file a notice of appeal and as a notice of appeal.¹ Although the court will liberally construe pro se filings, the court is not expected to act as an advocate nor develop claims or arguments supporting a pro se litigant's motion. See Beaudett v. City of Hampton, 775 F.2d 1274, 1278-79 (4th Cir. 1985). And as Newby has provided no excuse for the delay in filing his pro se notice of appeal once he became aware counsel failed to file a timely notice of appeal, I find that Newby has not presented evidence of good cause or excusable neglect warranting the extension of the time period in which to file a notice of appeal. Accordingly, it is hereby **ORDERED** that Newby's motion for an extension of time within which to file a notice of appeal is hereby **DENIED**.

The Clerk is directed to send certified copies of this order to the defendant and counsel of record for the United States of America.

ENTER: This 15th day of November, 2005.


Senior United States District Judge

¹Newby alleged in the January 27, 2005, notice of appeal that he did not become aware that counsel failed to file a notice of appeal until January 12, 2005, yet he waited an additional 15 days before filing a notice of appeal in this court. Furthermore, Newby did not provide any explanation for that delay. Likewise, in the instant motion counsel has provided no explanation for the delay.